

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

DAVID B. C.,

Plaintiff,

v.

**1:20-CV-1136
(FJS/TWD)**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES

OF COUNSEL

DRAKE LOEB PLLC
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New Windsor, New York 12553
Attorneys for Plaintiff

GARY JAMES GOGERTY, ESQ.

SOCIAL SECURITY ADMINISTRATION
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Attorneys for Defendant

LISA SMOLLER, ESQ.

SCULLIN, Senior Judge

ORDER

Plaintiff brought this action pursuant to 42 U.S.C. § 405(g), seeking judicial review of a final decision of Defendant, denying his Title XVI application for Supplemental Security Income ("SSI"). *See* Dkt. No. 1. On July 12, 2021, Plaintiff filed his memorandum of law in support of his motion for judgment on the pleadings, *see* Dkt. No. 15; and, on August 20, 2021, Defendant filed her memorandum of law in support of her motion for judgment on the pleadings, *see* Dkt. No. 17. After a thorough review of the record, Magistrate Judge Dancks issued a Report-Recommendation and Order, in which she recommended that the Court deny Plaintiff's motion

for judgment on the pleadings and dismiss Plaintiff's complaint and grant Defendant's motion for judgment on the pleadings and affirm Defendant's decision denying Plaintiff benefits. *See* Dkt. No. 18 at 25-26. The parties filed no objections to those recommendations.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, *10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting this review, "the Court 'may accept, reject, or modify, in whole or in part, the recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Dancks' December 6, 2021 Report-Recommendation and Order for clear error and manifest injustice; and, finding none, the Court hereby

ORDERS that Magistrate Judge Dancks' December 6, 2021 Report-Recommendation and Order is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

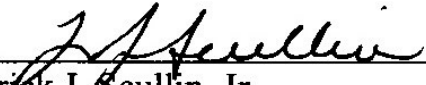
ORDERS that Plaintiff's motion for judgment on the pleadings, *see* Dkt. No. 15, is **DENIED**; and the Court further

ORDERS that Defendant's motion for judgment on the pleadings, *see* Dkt. No. 17, is **GRANTED**; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Defendant and close this case.

IT IS SO ORDERED.

Dated: January 28, 2022
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Judge